

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO.: 1:24-cv-21136-JB**

TUSHBABY, INC.,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS

AND UNINCORPORATED

ASSOCIATIONS IDENTIFIED ON

SCHEDULE "A,"

Defendants.

MOTION TO DISMISS FOR VIOLATION OF COURT ORDER [DE 74]

Defendant, Shiaon, by and through its counsel undersigned, requests that this court dismiss the Amended Complaint [DE 92] for violating this Court's Order [DE 74] and states as follows:

LEGAL STANDARD

This Court issued an Order [DE 74] on August 8, 2024 and stated:

Plaintiff's Amended Motion for Entry of a Preliminary Injunction Against Certain Defendants [ECF No. 57] is DENIED. Defendant Fleerose's Motion to Consolidate [ECF No. 49] is DENIED as MOOT. All remaining Defendants, with the exception of Defendant Number 2 on Schedule A, Fleerose [ECF No. 17-1], are SEVERED from this action. All claims against the severed Defendants are DISMISSED without prejudice for refile in separate actions consistent with this Order. The Clerk of Court is instructed to ADMINISTRATIVELY CLOSE this case. Closing Case. Signed by Judge David S. Leibowitz on 8/8/2024. *See attached document for full details.* (scn)

See Order [DE 74].

ARGUMENT AND MEMORANDUM OF LAWS

Plaintiff filed an Amended Complaint [DE 92] against Defendant on Sept. 18, 2024, which is a direct violation of the Order [DE 74]. Plaintiff shall file a separate action consistent with Order [DE 74].

Thus, it must be dismissed.

WHEREFORE, Defendant, Shiao, by and through its counsel undersigned, requests that this court dismiss the Amended Complaint [DE 92] for violating this Court's Order [DE 74], and award Defendant attorney fees accordingly.

Respectfully submitted on Sept. 23, 2024.

/s/ Jianyin Liu
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CERTIFICATE OF GOOD-FIATH CONFERRAL

I CERTIFY that I sent an email to the opposing counsel Rossana Baeza, Esq. and Nicole Fundora, Esq. by attaching the instant motion and sought their opinions on Sept. 20, 2024 in the morning. I called the office to no avail on Sept. 23, 2024. I will continue to contact the opposing counsel

/s/ Jianyin Liu

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent to all parties via CM/ECF on Sept. 23, 2024.

/s/ Jianyin Liu